

CIVILLY DEAD, THIS MAN IS WORTH \$250,000 BUT CANNOT SPEND IT

(New York Herald.)

Alphonse J. Stephani is without a doubt the wealthiest "dead" man in New York state, and he probably enjoys the same distinction so far as the entire world is concerned.

Under the law of this state he is civilly dead, but actually he is very much alive. He has plenty of money, but he is not in a position to spend it. He may long for any luxury without being able to obtain it, while his funds continue to accumulate.

When the average man dies in the eyes of the law his property immediately goes to others—either according to the terms of his will or by a distribution among his next of kin.

With Stephani it is different, for while he has become civilly dead, he continues to hold his property, and his heirs may not have a chance to enjoy it for many years.

He was convicted of murder in the second degree for killing Clinton G. Reynolds, a prominent attorney in New York, in May, 1890. He was sentenced to life imprisonment and sent to Sing Sing. He has since been transferred to the insane asylum connected with the Clinton prison at Dannemora, N. Y.

Physicians at Sing Sing certified to his insanity, and those in charge of the institution at Dannemora agree that he is hopelessly insane, despite his apparent rational spells and his excellent financial judgment. He seems very shrewd, but he is declared to be a victim of paranoia, and to be mentally unsound upon various propositions.

Has Many Privileges. He is able to obtain certain privileges in the asylum, because he is unquestionably more rational than most of those confined with him, but he could not spend his income even if he could get it, and when a reporter for the New York Herald interviewed him he complained bitterly because his interest on certain bonds had not been sent to him in prison since he was transferred to a prison for the criminal insane.

Some few advantages he is able to obtain by his money, but not his liberty. When he was first charged with murder his mother spent thousands in trying to clear him. She retained the late William F. Howe of the firm of Howe & Hummel to defend him. The only possible plea was insanity, as the crime had been brutal and premeditated.

Had the defense been established to the satisfaction of the jury Stephani would have escaped. Mr. Reynolds succeeded to the point of raising a doubt in the minds of two jurors, and the verdict was for murder in the second degree, involving necessary sentence to life imprisonment, where the higher degree would have sent the prisoner to the gallows.

Mrs. Stephani, the mother, hoped up to the close of her life, about a year ago, that she would be able to obtain executive clemency for her son. She did not succeed in inducing a governor to free him, but she has been able to make his imprisonment comfortable. She visited him in Sing Sing and communicated with him frequently. He had shown a great aptitude for business matters before his crime, and he was able to assist her in advising investments, particularly of a speculative nature. He kept track of stock exchange transactions and his judgment proved excellent.

Mother Made Fortune. Following his advice Mrs. Stephani made money for herself and for him, and when she died he was supposed to be worth at least \$250,000, perhaps much more. He was transferred to the asylum at Dannemora, where he was certain to be more comfortable, as there is no necessity for hard labor, and he is now in a position to dispose of his time more or less as he sees fit, with the usual prison confinement and lack of luxuries.

To a reporter who went to Dannemora to see him Stephani gave a remarkable interview, discussing affairs of the day, prospects of the stock market and his personal ambitions. What he most desired, of course, is to get away from the asylum. He would like to go to the south of Europe and to enjoy his money. He talks fluently and intelligently, and shows no outward indications of insanity.

Peculiar features of Stephani's position are explained by Abraham H. Hummel, legal partner of the late Mr. Howe. As one of the counsel for Stephani, Mr. Hummel had occasion to study the laws governing a man who is civilly dead and has found many peculiarities. Civil death relieves a man absolutely of certain duties and obligations, but not of others. He is responsible for all moneys due under contracts, but he cannot contract new contracts. He may be sued and he may defend a suit, but he may not sue.

Stephani differs from any other life convict through his wealth and through the resulting complications. His own story has a peculiar interest.

A. H. HUMMEL ON "CIVIL DEATH."

"I know of no more peculiar entanglement that exists in the law with reference to men who are found guilty of murder in the second degree and sent to state prison for life," said A. H. Hummel yesterday. "They are civilly dead, though actually alive, and the question that presents itself is: How much are they dead in law and how much alive?"

"It seems almost superfluous to declare that the judgment of the court deprives the convict of his right to vote, to sit as a juror, to bear arms, to marry and to hold office, as the conditions under which he is confined make all these things radically impossible. Within the walls of the prison the privileges and duties of the free citizen are unknown."

"Would it not seem equally preposterous for a man under a life sentence to hold real estate or to be interested in stock transactions? Upon this subject learned jurists have disagreed and they have expounded their reasons lucidly and convincingly."

Judge Earl's View. Judge Earl, of the court of appeals, put the question as he construed it, in this forcible manner:

"While the convict has no use for his property and no obligations to perform, while he cannot use his property for his comfort, amusement or enjoyment, while he cannot protect it by action to recover it by any proceedings, if taken away from him, why should he be permitted to retain the title thereto and why should it not, under any wise system of laws, be devolved upon his successors or his heirs and next of kin?"

"This seems logical in view of the fact that the Revised Statutes specifically declare that a person sentenced to imprisonment for life shall thereafter be deemed civilly dead," and this provision was re-enacted in the penal code. The other judges sitting on the court of appeals bench took a different view, however, and Judge Andrews, in the controlling opinion said:

"When it is considered that no case in this state can be found where the will of a person imprisoned on a life sentence has been admitted to probate during his natural life, or where administration has been granted on his estate, or dower assigned as if he were dead, nor any case where the title to property has been traced through a civil, as distinct from a natural, death,

Civilly Dead Man's Tips on the Stock Market.

The box in the Safe Deposit company of the State of New York, at 23 William street, contains my legacy of \$10,000 in railroad stocks and bonds and other property of mine—in all about \$1,000,000.

I have kept track of the stock market since I have been in prison. I think the tendency of the market is going to be still lower. I think that is going to be grass. The corn will be wiped out altogether sooner or later. Most of the common stock of the country recently formed industrial companies represents nothing but water. The American ice company is the only possible exception in the industrial line. There's no tariff on ice, either.

Up to 1898, for eight years after I was taken to Sing Sing, the New York Central promptly paid me the dividends on my stock. I got the checks cashed and had money to buy many luxuries and reinvested some of the money in New York Central stock, paying 100. I've been a stockholder in the New York Central for sixteen or seventeen years. Then they found out I was civilly dead and refused to send any more checks to me.

The Pennsylvania paid me the dividends on their stock until I was transferred from Sing Sing to the asylum, as soon as they saw I was in an asylum it was all up. They stopped too.

I think this civilly dead law is unconstitutional. Other states do not have it.

My mother made a will which I am trying to break on the grounds of insanity and undue influence. I would give anything, almost, to get to New York and see my lawyers. It is a shameful thing that you can't get a writ of habeas corpus except in a criminal proceeding. I want to go to England and live the rest of my life quietly. I have money in banks at London, at Paris and at Frankfurt. I'm sane enough to be fired, but I'm not sane enough to be civilly dead when it comes to getting the money that belongs to me.

The inference seems almost irresistible that the doctrine that civil death consequent upon a life sentence divests the criminal of his state has no foundation in our law.

As To Stephani.

"All of this leads to curious conclusions relating to a dead-alive convict. Stephani was convicted of the crime of murder, and the verdict of the jury gave him his life only that he might go from the court room to a civil death. He had been brought up in good circumstances, but he was nervous and excitable. The only plea that could be made for him in court was insanity. His loving mother clung to him and to my personal knowledge spent a considerable sum of money on his trial. When he reached the prison I understand that he seemed perfectly sane, and he wrote to his mother from time to time directing her about his investments. It is said that even without being in touch with the market his judgment was so good that she realized a good profit by following his advice. Upon her death he became entitled to property left to him by his father's will, in which Mrs. Stephani had a life interest.

"Does it not sound strange to say that the courts have determined that while the person who is civilly dead cannot sue, he may be sued, he may defend an action brought against him and his property is answerable to his creditors? Well, such is the case, and by analysis one discovers the reason for what appears at first glance an anomaly. The convict has forfeited his social political rights. He cannot inherit, he cannot be a witness, he has property, however, he is responsible for any just debt that he may have contracted, for any wrong done or any injury inflicted. As he does not forfeit his property, it must not be taken from him by legal process unless there is justice in the claim; hence the privilege to defend. He cannot enter into executory contracts and call upon the courts to enforce them, but he may transfer his property by will or deed.

"If a life convict has business to transact, he must, consequently, rely implicitly upon the person to whom he confides it, as in the event of dishonest dealings he would have no redress. Upon his conviction even his wife and children owe him no fealty or obedience.

"Some of these complications exist in a similar degree with the case of convicts sent to a state prison for a definite term of years, during which time their civil rights are suspended, although they are not divested of their property. I believe that there have been many instances in this state where convicts were really wealthy, and came into the enjoyment of considerable fortunes upon their release.

"By the ancient common law when sentence was pronounced for a capital offense it involved forfeiture, corruption of blood and an extinction of civil rights. Forfeiture was of Saxon origin; the goods and chattels, lands and tenements of the attainted felon were forfeited to his king. The doctrine of corruption of blood, of feudal origin, was introduced in England after the Norman conquest; the blood of the attainted person was deemed to be corrupted, so that neither could he transmit his estate to his heirs, nor could they take by descent from the ancestor.

Murder to Kill Him. "These things are different today, but the problem of rights and wrongs has merely become more complicated. Surely, Stephani's position has been extraordinary and his civil death leaves him curiously alive. If, for instance, anyone deliberately and without justification killed him, the crime would be as much a murder as though Stephani still lived civilly and walked abroad without ever having been a life sentenced convict under a jury's verdict.

"Section 10 of the domestic relations law of this state provides that 'Marriage, so far as its validity in law is concerned, continues to be a civil contract.' Section 708 of the penal code provides: 'A person sentenced to imprisonment for life is thereafter deemed civilly dead.' Section 28 of the domestic relations law also enacts: 'A pardon granted to a person sentenced to imprisonment for life within this state does not restore that person to the rights of a previous marriage or to the guardianship of a child, the issue of such marriage.'

"The moment a life sentence is pronounced by a court any marriage that

may have existed is at once dissolved and the person sentenced forfeits marital rights, as well as parental domination over his kin. For instance, if a man convicted by a jury in this state and sentenced to imprisonment for life were immediately thereafter to obtain a stay of execution and the appellate court determined that his conviction had been improper and ordered a new trial, the fact that a subsequent jury might acquit him would not restore him to his former status by reason of the fact that section 708 of the penal code reads that a person sentenced to imprisonment for life is thereafter deemed civilly dead."

"There is a mistaken idea among many persons that any conviction for felony operates in this manner. As a matter of fact, this is not so. It is only in the event of imprisonment for life that a marriage becomes void."



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The city council of Salt Lake City of the intention of such council to make the following described improvement, to-wit: Constructing a cement sidewalk four feet wide, on the east side of First West street between Third South and Fourth South streets, in sidewalk district No. 11, and defray the cost and expense thereof, estimated at seven hundred and twelve and 80-100 (\$712.80) dollars or one and 8-10 (\$160) dollars per front of linear foot by a local assessment for a depth of twenty-five (25) feet upon the lots or pieces of ground within the following described district, being the district to be affected or benefited by said improvement, namely: All of lots 4 and 5, block 36, plat "A," Salt Lake City Survey.

All protests and objections to the carrying out of such intention must be presented in writing to the city recorder on or before the 1st day of February, 1904, being the time set by said council when it will hear and consider such protests and objections as may be made therefor.

By order of the city council of Salt Lake City, Utah.
Dated Nov. 16, 1903.
J. S. CRITCHLOW, City Recorder.
Sidewalk Extension No. 57.

Notice.
The city council of Salt Lake City of the intention of such council to make the following described improvement, to-wit: Constructing a cement sidewalk four feet wide, on the east side of C street between South Temple and First streets, and on the west side of C street from South Temple street north one-half block, in sidewalk district No. 24, and defray the cost and expense thereof, estimated at three hundred and ninety-six (\$396.00) dollars, or 80-100 (\$80) dollars per front of linear foot by a local assessment for a depth of twenty-five (25) feet upon the lots or pieces of ground within the following described district, being the district to be affected or benefited by said improvement, namely: All of lots 2 and 3, block 11, and all of lot 1, block 12, plat "D," Salt Lake City Survey.

All protests and objections to the carrying out of such intention must be presented in writing to the city recorder on or before the 1st day of February, 1904, being the time set by said council when it will hear and consider such protests and objections as may be made therefor.

By order of the city council of Salt Lake City, Utah.
Dated Nov. 16, 1903.
J. S. CRITCHLOW, City Recorder.
Sidewalk Extension No. 56.

Notice.
The city council of Salt Lake City of the intention of such council to make the following described improvements, to-wit: Extending and laying sewer lateral on Second street between A and B streets, and on B street from Second street to a point midway between Fifth and Sixth streets, in sewer district No. 1, and defray the cost and expense thereof, estimated at two thousand and twenty-six and 25-100 (\$2,026.50) dollars or 80-100 (\$80) dollars per front of linear foot by a local assessment for a depth of twenty-five (25) feet upon the lots or pieces of ground within the following described district, being the district to be affected or benefited by said improvement, namely: The east 140 feet of lot 3, and the west 140 feet of lot 4, block 4, and the west 140 feet of lot 1, and all of lot 2, block 41, plat "D"; all of lots 2 and 3, block 42, all of lots 1 and 2, block 43, all of lots 1 and 4, block 44, all of lots 2 and 3, block 45, all of lots 2 and 3, block 46, all of lots 1 and 4, block 47, all of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 69